

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Petition for Warrant or Summons for Offender Under Supervision

Offender: **Miguel Angel Lopez-Aguirre** **Docket No.** **4:17CR03102**

Type of Supervision: **Supervised Release** **Date of This Report:** **January 7, 2022**

Sentencing Judge: **The Honorable Richard G. Kopf**
Senior U.S. District Judge

Offense of Conviction: **Controlled Substance - Sell - Distribute - Or Dispense**

Date Sentenced: **October 16, 2018**

Original Sentence: **37 Months Bureau of Prisons; 36 Months Supervised Release**

Supervision Term: **June 3, 2021 through June 2, 2024**

Prepared By:
Michael W. Tolley

Assistant U.S. Attorney:
Matt O. Molsen

Defense Attorney:
Nancy K. Peterson

PETITIONING THE COURT

The undersigned probation officer recommends that a Warrant be issued for service upon Miguel Angel Lopez-Aguirre and that a hearing be held by the Court to determine whether the offender has violated the conditions of supervision as set forth in this report and to determine whether the offender's supervision should be revoked or continued, modified, and/or extended based on the alleged violations. A Warrant is requested as Miguel Angel Lopez-Aguirre is in the custody of another authority, awaiting disposition on separate charges. Upon filing of the petition for warrant by the court, the U.S. Probation Office for the District of Nebraska will initiate transfer of jurisdiction to the Southern District of California.

The probation officer believes the offender has violated the following conditions of supervision:

| <u>Allegation No.</u> | <u>Nature of Noncompliance</u> |
|------------------------------|--|
| 1 | Miguel Angel Lopez-Aguirre is in violation of the Mandatory Condition which states, "You must not commit another federal, state, or local crime." |

On or about January 5, 2022, within the Southern District of California, Miguel Angel Lopez-Aguirre an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro, California Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326. He has been charged with Attempted Entry After Deportation and is pending court in the Southern District of California.

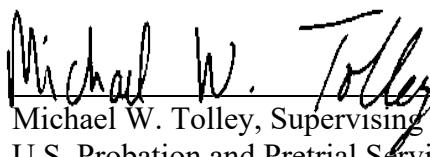
If the Court finds the offender has violated this condition, which is a grade A or B violation, revocation is mandatory.

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|---|---|
| 2 | Miguel Angel Lopez-Aguirre is in violation of Special Condition g which states, "You must comply with all rules and regulations of the Bureau of Immigration Customs Enforcement and, if deported, shall not reenter the United States or reside therein without the express, written permission of the Secretary of the United States Department of Homeland Security." |
|---|---|

On or about January 5, 2022, within the Southern District of California, Miguel Angel Lopez-Aguirre an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro, California Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security having expressly consented to the defendant's reapplication for admission into the United States

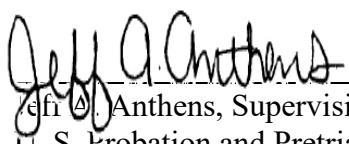
I declare under penalty of perjury that the forgoing is true and correct.

Respectfully submitted,



Michael W. Tolley, Supervising
U.S. Probation and Pretrial Services Officer

Reviewed by:



Jeff A. Anthens, Supervising
U. S. Probation and Pretrial Services Officer

THE COURT ORDERS THAT:

No action shall be taken.

A Warrant shall be issued for service upon Miguel Angel Lopez-Aguirre and a hearing held by the Court to determine whether Miguel Angel Lopez-Aguirre has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

The U. S. Probation Officer shall summons Miguel Angel Lopez-Aguirre to appear for a hearing in court to determine whether Miguel Angel Lopez-Aguirre has violated the conditions of supervision as set out in the foregoing report and to determine whether the term of supervision should be revoked, continued, modified, and/or extended based on the alleged violations.

The following action to be taken (specify other action):

If a warrant is issued, the petition shall not be sealed and the following action shall be taken (specify other action).

A Writ of Habeas Corpus Ad Prosequendum shall be issued and the defendant brought before the U.S. Court for an Initial Appearance on this matter.

The Federal Public Defender is appointed to represent the above named defendant in this matter. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline the appointment for reasons of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

The defendant may contact the Office of the Federal Public Defender for the District of Nebraska regarding the alleged violation and possible penalties (402/221-7896).

Richard G. Kopf

The Honorable Richard G. Kopf
U.S. Senior District Judge

January 7, 2022
Date

*** * * NOTICE TO OFFENDER * * ***

Pursuant to the Federal Rules of Criminal Procedure 32.1(b)(2) you are entitled to:

- (A) written notice of the alleged violation(s);**
- (B) disclosure of the evidence against you;**
- (C) an opportunity to appear, present evidence, and question adverse witnesses unless the court determines that the interest of justice does not require the witness to appear;**
- (D) notice of your right to retain counsel or to request that counsel be appointed if you cannot obtain counsel.**